

REMARKS

The foregoing amendments are submitted in response to the first Office action dated Sept. 19, 2005, together with 3 replacement drawing sheets to replace the drawings accompanying the application as filed, in an effort to place the application in condition for allowance as hereinafter pointed out.

Claims 1-8 were all rejected over U.S. Patent No. 6,361,695 to Husain et al., relied on as the primary prior art reference, while U.S. Patent No. 5,275,732 to Wang, et al. was also relied on as a secondary prior art reference in regard to obviousness under 35 U.S.C. 103(a). Claim 1, from which claims 2-8 depend, has been amended so as to clarify the subject invention and thereby emphasize its patentable distinction over the disclosures in the Husain et al. and Wang et al. patents.

According to the disclosure in the Husain et al. patent, wastewater purified within a tank 42 is withdrawn therefrom for further processing by disinfection within a tank 70 before delivery to pump tank 80 for discharge therefrom as a treated effluent into the same pump into which sludge from bioreactor 30 is discharged through line 102. The foregoing referred to wastewater processing procedure associated with the system disclosed in the Husain et al. patent is contrary to the processing procedure associated with the present invention, wherein the sludge 18 is discharged from the bioreactor 16 through an outlet line having no connection to the overboard discharge of the sludge 18. Thus amended claim 1 specifies: "plumbing means--involving--said discharging of the clean effluent separately from said discharging of the sludge concentrate overboard".

In regard to claim 6 dependent from claim 1, it is conceded on page 4 of the Office action that the Husain et al. patent fails to teach "collection of foam from the tank and feedback thereof

into the bioreactor", for which reason the Wang et al. patent is relied on. However, the Wang et al. patent is unrelated to the type of underwater treatment system with which the Husain et al. patent and the present invention are associated. Accordingly, the obviousness judgment with respect to the additional distinction set forth in claim 6 over the Husain et al. patent is inapplicable under current case law, such as the Graham v. John Deere Co., 148 USPQ 495 referred to in the Office action.

In view of the foregoing referred to claim distinctions of the present invention over the prior art references relied on for the rejections as set forth in the Office action, an allowance of amended claim 1 together with claims 2-8 dependent therefrom is in order and hereby requested.

Respectfully submitted,



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